

**Legislative Bulletin.....May 3, 2005 (Part II)**

**Contents:**

**H.Res. \_\_** — Conyers Resolution Raising a Question of the Privileges of the House

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**H.Res. \_\_ — Conyers Resolution Raising a Question of the Privileges of the House (*Conyers*)**

**Order of Business:** The resolution will be considered on Tuesday, May 3, 2005, under a privileged motion. A motion to table the resolution is likely from the majority party, and the motion to table would be the first vote, followed by the underlying resolution, should the motion to table fail.

**Note:** On Thursday, April 27, 2005, the motion was made by Rep. Conyers as a question of the privileges of the House, pursuant to clause 2(a)(1) of rule IX. Under the rules of the House, “Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.” The questions must be considered within two legislative days after the resolution is properly noticed.

The question deals with descriptions of five Democrat amendments, offered to H.R. 748, the Child Interstate Abortion Notification Act, in the Judiciary Committee. The Act passed out of committee 20-13 and passed the full House 270 to 157 on April 27, 2005; <http://clerk.house.gov/evs/2005/roll144.xml>. Rep. Conyers voted against both committee passage and final passage of H.R. 748. To see the RSC Legislative Bulletin on H.R. 748 go to: <http://johnshadegg.house.gov/rsc/LB%204-27-05%20interstate%20abortion.pdf> There is no rule, either House rule or Judiciary Committee rule that requires that amendments be described in any particular manner.

**Summary:** The Conyers Resolution has 11 finding and states that it is resolved, that the House of Representatives:

“(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109-51; and

“(2) directs the chairman of such committee to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with nonargumentative, objective captions.”

**Additional Information:** Rep. Conyers objects to how five Democrat amendments offered in the Judiciary Committee were characterized in the Judiciary Committee Report (#109-51), that accompanied H.R. 748, the Child Interstate Abortion Notification Act.

The following are the five amendment descriptions from the House Judiciary Committee’s Report that are referenced in the Conyers’ resolution:

“1. Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill. By a rollcall vote of 11 yeas to 16 nays, the amendment was defeated.

“2. Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor. By a rollcall vote of 12 yeas to 19 nays, the amendment was defeated.

“3. Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport. By a rollcall vote of 13 yeas to 17 nays, the amendment was defeated.

“4. Mr. Scott offered an amendment that would have exempted from prosecution under the bill those who aid and abet criminals who could be prosecuted under the bill. By a rollcall vote of 12 yeas to 18 nays, the amendment was defeated.

“5. Ms. Jackson-Lee offered an amendment that would have exempted sexual predators from prosecution under the bill if they were clergy, godparents, aunts, uncles, or first cousins of a minor, and would require a study by the Government Accounting Office. By a rollcall vote of 13 yeas to 20 nays, the amendment was defeated.”

(Source: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_reports&docid=f:hr051.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_reports&docid=f:hr051.109.pdf); PDF pages 45-49 of 133, emphasis added.)

**According to the Judiciary Committee,** “One of the *primary purposes* of that common sense legislation is to prevent sexual abusers from taking vulnerable young girls across state lines for an abortion without telling the girl’s parents. At the Judiciary Committee markup of H.R. 748, some Members offered amendments that would have created blanket exclusions from the criminal prohibitions in the legislation without any exceptions for those who would commit statutory rape or incest. The loopholes those amendments would have created could be exploited by the very sexual predators – that is, those who would exploit vulnerable young girls and commit statutory rape or incest – whose conduct the bill is designed to bring to light. Those amendments were accurately described in the Committee Report. All of the amendments offered would have carved

out exceptions that could be exploited by sexual predators who sought to destroy evidence of their crimes by secretly taking a minor, without her parents' knowledge, to another state to have an abortion.

“The amendments offered by the minority would have created blanket exclusions for certain large classes of people who are not a minor’s parents. Those classes of people were ‘taxicab drivers, bus drivers, or others in the business of professional transport,’ ‘clergy, godparents, aunts, uncles, or first cousins of a minor,’ and ‘grandparents or adult siblings.’ If any of the people described in the amendments offered became involved with a minor in a sexually abusive way, they would have been flatly excluded from the criminal prohibitions of H.R. 748, one of the primary purposes of which is to prevent sexual predators from continuing to abuse minors undetected” (emphasis in original).

**The eleven findings included in the Conyers’ resolution are as follows:**

H. Res. \_\_\_\_

“Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the ‘Child Interstate Abortion Notification Act,’ on Wednesday, April 13, 2005 and ordered the bill reported on that same day;

“Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109-51;

“Whereas, during the markup of H.R. 748, Representatives Nadler, Scott, and Jackson-Lee offered in good faith a total of five amendments to the bill, all of which failed on party-line votes;

“Whereas, because Representatives Nadler, Scott, and Jackson-Lee called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109-51;

“Whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from this practice in House Report 109-51 by captioning these five amendments with inflammatory, inaccurate captions implying that these three Members of Congress condoned the criminal behavior of “sexual predators”;

“Whereas, as one example, while an objective, nonargumentative description of one of Representative Nadler's amendments would read, “exempts a grandparent or adult sibling from the criminal and civil provisions of the bill,” and is in fact the language the Committee on the Judiciary used to caption this amendment in past reports on this legislation, the caption in House Report 109-51 was instead, “Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the

bill if they were grandparents or adult siblings of a minor.” (Similar problems occurred in describing amendments offered by Representatives Scott and Jackson-Lee);

“Whereas, when Representative Sensenbrenner, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee on Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109-51;

“Whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

“Whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other's views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

“Whereas the vote captions published in House Report 109-51 appear to be purposefully inaccurate and misleading, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House; and

“Whereas this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary.”

Source: Congressional Record, House of Representatives,  
April 28, 2005, Page: H2702.

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